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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

8 ROBERTO A. VENTURA MACHIC, )  
9 )  
9 Petitioner, ) Case No. C11-1447-RSL  
10 )  
10 v. )  
11 )  
11 NATHALIE ASHER, Field Office Director, ) **ORDER GRANTING**  
12 ) **PETITIONER'S PETITION**  
12 Respondent. ) **FOR WRIT OF HABEAS**  
13 ) **CORPUS**

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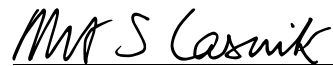
14 The Court, having reviewed Petitioner's Petition for Writ of Habeas Corpus (Dkt. # 4),  
15 Respondent's Return and Motion to Dismiss (Dkt. # 10), the Report and Recommendation of the  
16 Honorable Brian A. Tsuchida, United States Magistrate Judge (Dkt. # 13), Respondent's  
17 Response to the Report and Recommendation (Dkt. ## 14-15), and the remaining record, finds  
18 and orders as follows:

- 19 (1) The Court adopts the Report and Recommendation and notes that the subsequent  
20 denial of Petitioner's application for withholding of removal and relief under the  
21 Convention Against Torture (Dkt. # 15) does not materially change Petitioner's  
22 circumstances. Because he is still "may file an appeal with the [BIA]" (Dkt. # 13  
23 at 6), removal is not likely to occur in the reasonably foreseeable future.

1 (2) Petitioner's Petition for Writ of Habeas Corpus (Dkt. # 4) is **GRANTED**, and  
2 Respondent's Return and Motion to Dismiss (Dkt. # 10) is **DENIED**.

3 (3) Respondent shall provide Petitioner with a bond hearing before an immigration  
4 judge within thirty days of this Order, and Petitioner shall be released from  
5 detention unless the government establishes that he is a flight risk or a danger to  
6 the community.

7 DATED this 19th day of March, 2012.

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9 Robert S. Lasnik  
10 United States District Judge  
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